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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,492	06/25/1999	JOHN S. HENDRICKS	5264	9126

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EXAMINER
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SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/344,492

Applicant(s)

HENDRICKS ET AL.

Examiner

Jason P. Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17,23-41 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17,23-41 and 47-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/2002.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I (claims 1-17, 23-41 and 47-53 in the reply filed on 11/18/2004 is acknowledged.

Claims 18-22 and 42-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/18/2004.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-12, 17, 23, 25-26, 38-36, 41 and 47-48 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Handelman et al. (U.S. Patent 6,298,441).

Handelman discloses restricting access to electronic books displayed on a viewer (see Figure 12).

Handelman also discloses displaying an identification of an electronic book on a viewer (see screen 425 in Figure 12).

Handelman also discloses receiving information relating to access to the electronic book by potential users and further relating to content of the electronic book (see Column 15, Lines 41-44).

Handelman also discloses restricting access to the electronic book based upon the information (see Column 16, Lines 1-6).

Referring to claim 2, Handelman discloses wherein the restricting step includes restricting the access based upon a rating assigned to the electronic book (see Column 14, Lines 38-42).

Referring to claim 4, Handelman discloses that the restricting step includes restricting access to particular portions of the electronic book based upon the information (see Column 17, Lines 27-32).

Referring to claim 5, Handelman discloses receiving standard ratings relating to the access of the electronic book (see Column 15, Lines 47-50).

Referring to claim 6, Handelman discloses permitting viewing of only selected portions of the electronic book (see Column 17, Lines 27-32).

Referring to claim 7, Handelman discloses permitting viewing of only selected pages of the electronic book (see Column 17, Lines 27-32).

Referring to claim 8, Handelman discloses permitting viewing of no portion of the electronic book (see Column 17, Lines 27-32).

Referring to claim 9, Handelman discloses permitting unlimited access to the electronic book (see Column 17, Lines 27-32).

Referring to claims 10-11, see the rejection of claims 1 and 8, respectively.

Referring to claim 12, see the rejection of claims 1-2.

Referring to claim 17, see the rejection of claims 1 and 6.

Referring to claim 23, see the rejection of claim 1.

Referring to claims 25-26, see the rejection of claims 1-2, respectively.

Referring to claims 28-33, see the rejection of claims 4-9, respectively.

Referring to claims 34-35, see the rejection of claims 1 and 8, respectively.

Referring to claim 36, see the rejection of claims 1 and 2.

Referring to claim 41, see the rejection of claim 17.

Referring to claim 47, Handelman discloses an apparatus for controlling access to an electronic book displayed on a viewer (see Figure 12).

Handelman also discloses a display that displays an electronic book on a viewer (see display 425 in Figure 12).

Handelman also discloses a receiving module (see card 385 in Figure 12) that receives information relating to a viewer mode for displaying the electronic book on the viewer (see Column 17, Lines 3-6 for receiving the smart card and reading a document from the smart card, where the viewing mode the is document to be displayed).

Handelman also discloses a restricting module that restricts access to a content of the electronic book based upon the viewer mode (see authorization module 420 in Figure 12 and Column 17, Lines 6-11).

Referring to claim 48, Handelman discloses an access module that receives information relating to access levels concerning permitted access of potential users to

the content and relating to a rating for the electronic book (see Column 18, Lines 24-40).

Handelman also discloses that the restricting module includes a module that restricts the access to the content based upon the information and viewer mode (see Column 17, Lines 6-39).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 13-16, 24, 27, 37-40 and 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman et al. (U.S. Patent 6,298,441) in view of Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 3, Handelman discloses that the restricting step includes permitting viewing of text within the electronic book (see Column 2, Lines 39-43), but fails to teach permitting no viewing of images within the electronic book.

Block discloses creating an image mask to block an image from being displayed (see Figure 11 and Column 18, Lines 55 through Column 19, Line 17).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book viewer, as taught by Handelman, using the masking technology, as taught by Block, for the purpose of providing a

substitute program signal instead of the offensive or undesirable portions of a program/book (see Column 2, Lines 19-22 and 50-56 of Block).

Referring to claim 13, Handelman discloses that each of the electronic books has particular rating (see Column 15, Lines 44-50), but fails to teach assigning a rating within a range of ratings.

Block discloses a label that comprises a rating, which is within a range of ratings (G, PG, R, etc.) at Column 5, Lines 52-57 and assigned by a user (see Column 5, Line 41 through Column 6, Line 18).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book viewer, as taught by Handelman, using the range of ratings, as taught by Block, for the purpose of providing a substitute program signal instead of the offensive or undesirable portions of a program/book (see Column 2, Lines 19-22 and 50-56 of Block).

Claim 14 corresponds to claim 13, where Handelman teaches selectively permitting access to the electronic books based upon the ratings (see Column 18, Lines 13-54) and Block discloses the range of ratings (see the rejection of claim 13).

Referring to claim 15, Block discloses assigning ratings (see Column 5, Line 41 through Column 6, Line 18), but fails to disclose entering a password to assign the ratings.

Requesting a password for entry into a system for performing certain functions is well-known in the art. The examiner takes Official Notice that passwords are required

for entry into a system for performing such functions as applying ratings to program signals.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the labeling system, as taught by Block, using a password for entry into the labeling system, for the purpose of preventing hackers to apply improper ratings to undesirable content for young children.

Referring to claim 16, Block discloses assigning ratings (see the rejection of claim 15) and the user controlling the label editor is inherently the default user.

Referring to claim 24, see the rejection of claim 14, which is dependent upon claims 13 and 12, which also contains limitations in claim 24 that are taught by Handelman and Block (see the rejection of claims 12 and 13).

Referring to claim 27, see the rejection of claim 3.

Referring to claims 37-40, see the rejection of claims 13-16, respectively.

Referring to claim 49, Handelman discloses access level information for an electronic book (see the rejection of claim 48), but fails to teach that such information is included in a header of an electronic book.

Block discloses placing ratings data in a header of transmitted data in Table I (see Column 6, Lines 35-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the document (book) data, as taught by Handelman, using the header, as taught by Block, for the purpose of providing desired codes for



labeling and controlling the program signals transmitted to the viewer station equipment (see Column 5, Lines 41-44 of Block).

Referring to claims 50 and 51, see the rejection of claim 3 and also note the rejection of claims 1 and 4 where Handelman discloses the additional limitations. Note that Block discloses a labeling editor for assigning the ratings to the electronic books for restricting content and Handelman discloses the system for using a smart card to load and restrict access to electronic books.

Referring to claims 52-53, see the rejection of claims 13 and 48.

### ***Conclusion***

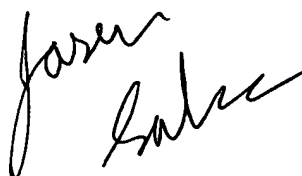
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce  
Patent Examiner  
Art Unit 2611

6/1/2005

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.